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AN INQUIRY INTO THE SOURCE AND AUTHORSHIP OF THE MANU SMRITI.

Scholars have, in the past, in their investigations into the origin and date of the Manu smriti, generally started from premises and landmarks set up on this side of the Christian era and tried to carry the smriti into the past in the light of linguistic and literary evidence afforded and sidelights thrown by other Sanskrit works of a later period. A serious handicap under which they all laboured was that, in India unlike in other countries and civilisations of the past, there has been no regular or continuous record in the form of inscriptions, monoliths, tablets or other monuments of ancient institutions and their development. Historical and archaeological researches of recent times suggest that a different method of approach may yield result of a more satisfactory character in regard to questions like the source and authorship of the dharmasastra of Manu. Excavations in India and elsewhere have revealed the existence of considerable similarities between the code of Manu on the one side and the codes of Hammurabi and Assyria on the other, in regard to the injunctions concerning the social and business aspects of life. There seems to exist a large measure of parallelism between these codes suggesting a possible common origin. As has often been said "light seeking light doth light of light beguile". An attempt is made in the following pages to give a brief review of the theories propounded by eminent scholars and pioneers, like Buhler, Jayaswal and Mahamahopadhyaya P. V. Kane in regard to the Manu smriti and to mention certain other considerations which seem to throw further light on the matter.

The Manava Dharmasastra is the most esteemed and illustrious of all the works of that class. No name is mentioned by the Hindu lawgivers so often or with so much veneration as that of Manu. It is therefore somewhat surprising that not much information is to be found enabling us to trace the source of the smriti or to identify its author. The version that is now extant has been the subject of a large number of commentaries. The most prominent among them are the Manubhashya (मनुभाष्य) of Medhatithi, the Manutika (मनुटीका) of Govindaraja, the Manvarthavivriti (मन्वर्थविवृति) of Sarvajnanarayana, the Manvarthamuktavali (मन्वर्थमुक्तावलि) of Kulluka, the Manvarthachandrika (मन्वर्थचन्द्रिका) of Raghavananda and the Manuvyakhyana (मनुव्याख्यान) of Nandana.

Manu's name goes back to the vedic times. Three Manus are spoken of—Manu Vaivasvata, Manu Apsava, and Manu Samvarana. Divine as well as human attributes are said to characterise Manu. The Rig Veda mentions him along with other sages[1]. Reference is made to "father Manu"[2]. He is said to be the progenitor of the "pancha janas."[3] At one place there is a reference to him

1. I, 80, 16; I, 112, 16.
2. I, 80, 16; I, 114, 2; II, 33, 13.
3. III, 24, 3; Cf., Tait. Sam. I, 5, 1, 3; I, 5, 6, 1; III, 4, 3, 7; Sat. Brah., XIII, 4, 3, 3.

as a king[1]. In the Yajur Veda he is invoked at sacrifices as Prajapati[2]. He is also stated to have invented sacrificial rites[3]. The Atharvana Veda, the Brahmanas and the Nirukta allude to his being born to Vivasvat by Saranyu[4]. He is at another place mentioned as the son of the self-existent Brahman[5]. He is also regarded as a deity[6]. In the Valakhilya he is mentioned as the son of Samvarana[7]. The Satapatha Brahmana refers to his following the customs of men[8]. Whoever and whatever he was, that he was looked upon as a guide and law-giver even during the vedic times is clear. One of the prayers in the Rig Veda is that the votary should not be led away from the path of Manu—

मा नः पथः पित्र्यान्मानवादधि दूरं नैष्ट परावतः ।[9]

Reference is also made to Manu dividing his property among his sons—मनुः पुत्रेभ्यो दायं व्यभजत् ।[10]. The extant Manu smriti also attributes to Manu human as well as divine characteristics and mentions him as the first promulgator of laws. He is described as the son of Brahman[11], as a king who through humility achieved sovereignty[12], and as a law-giver[13]. Mention is made of six other Manus, descendants of Manu Svayambhuva[14] and their names are mentioned[15]. The same characteristics are attributed to Manu by the commentators as well. While Kulluka calls Manu an incarnation of the Supreme Soul, Govindaraja speaks of him as a maharishi (महर्षिः) and Medhatithi describes him as an individual perfect in the study of many branches of the Vedas, etc.,—मनुर्नाम कश्चित् पुरुषविशेषः. Thus right from the Vedic period there has been a halo around Manu but his personality has remained altogether baffling.

Another notable feature is that Manu's teachings have always been regarded as authoritative and paramount. According to the Vedas whatever Manu said was like medicine—यद्वै किं च मनुरवदत्तद्भेषजम् । (Tait. Sam. II, 2, 10, 2); मनुर्वै यत्किंचावदत्तद्भेषजं भेषजतायै । (Tand. Brah. XXIII, 16, 7; *Cf.* Kathaka XI, 5, and Mait. Sam. I. 1, 5.) The same primacy is recognised by Parasara[16], though in respect of Kritayuga only—

कृते तु मानवाः प्रोक्ताः त्रेतायां गौतमाः स्मृताः ।
द्वापरे शङ्खलिखिताः कलौ पाराशराः स्मृताः ॥

Brihaspati, a much later law-giver, is equally clear on the matter[17]—

वेदार्थोपनिबन्धृत्वात् प्राधान्यं तु मनुस्मृतौ ।
मन्वर्थविपरीता या स्मृतिः सा न प्रशस्यते ॥

The tradition has been consistently kept up and cannot therefore be lightly dismissed. The very unanimity in the matter would suggest that at some time there existed such a promulgator of dharma. But who he is has mainly remained a matter for conjecture. As already mentioned, the Vedas refer to three Manus and Katyayana's Sarvanukramani of the Rig Veda attributes five suktas to Manu

1. Rig. Veda, I, 112, 8; *Cf.* Sat. Brah., XIII, 4, 3, 3 and also to Ait. Brah., VIII, 8 alluding to Prajapati as formerly anointing Indra, Soma, Yama, Varuna and Manu.
2. Tait. Sam., III, 2, 8, 1; Vaj. Sam., XI, 66; Mait. Sam., II, 7, 7.
3. Tait., Sam., I, 7, 1, 3; II, 5, 9, 1; III, 3, 2, 1; V, 4, 10, 5, etc.
4. Ath. Veda, VIII, 10, 24; Sat. Brah., XIII, 4, 3, 3; Nirukta, XII, 10.
5. *See* Sloka cited in Nirukta, III, 4.
6. Nirukta, XII, 33, 34.
7. III, 1.
8. *Cf.*, I, 8, 1.
9. VIII, 30, 3.
10. Tait., Sam., III, 1, 9, 4; Ait. Brah., V, 14.
11. Manu, 1, 33; I, 63; VI, 54.
12. *Ibid.*, VII, 42.
13. *Ibid.*, I, 102; I, 119; II, 7.
14. *Ibid.*, I, 61.
15. *Ibid.*, I, 62.
16. I, 24.
17. Cited by Kulluka on Manu, I, 1, and by Apararka on Yajnavalkya, II, 21.

Vaivasvata, and but a few verses to each, Manu Apsava and Manu Samvarana. The vedic tradition however is that the rules of dharma were propounded by Manu Svaymbhuva[1]. The extant version of the Manu smriti maintains that tradition. In other works there are references to a Manu Prachetasa, and Vriddha Manu and Brihan Manu. In the circumstances, the reference to Manu in *Ramachandra* v. *Vinayak*[2], as "the ancient sage whose identity is lost in he mist of ages but whose word is regarded as divine" seem to correctly sum up the position.

Various theories have been propounded as to the source of the present version of the Manu smriti. According to Max Muller it is a recast and versification of the dharmasutra of the Manava charana. He observed: "There can be no doubt, however, that all the genuine dharmasastras which we possess now are without exception nothing but more modern texts of earlier sutra works on kula-dharmas belonging originally to certain vedic charanas."[3] Buhler was drawn to this theory mainly because "it substituted a rational theory of historical development for the fantastic fables of the Hindu tradition and for the hopeless uncertainty which characterised the earlier speculations of European scholars concerning the origin of the so called Indian codes of law."[4] Buhler developed Max Muller's theory and suggested that the composition of the Manu smriti was due to the establishment of special law schools which were independent of any particular sakha of the vedas and which supplanted the vedic charanas as far as the teaching of dharma was concerned[5]. According to him the Manu smriti is "a conglomerate of the Manava dharmasutra and of floating sayings"[6] and the conversion was effected between 200 B.C. and 200 A.D[7]. Dr. Jolly also agrees with the view that the Manava dharmasastra originated from an earlier Manava dharmasutra[8].

Jayaswal has put forward the view that the Manu smriti was the work of a historical person, composed between 150 B.C. and 100 A.D. during the days of the Sunga empire[9], to mark the triumph of Brahminism over Buddhism and other non-orthodox forces and that the name Manu was adopted as a symbol of conservatism and not because he was the real author[10]. He has further suggested that the smriti was composed to supplant the civil and criminal laws of the country which were to be found in the Arthasastras[11] and that in the Manava dharmasastra for the first time the dharmasastra invaded and appropriated the province of the artha law making the latter an appanage to its own system[12]. Jayaswal denies the existence of any Manava dharmasutra and suggests that the true source of Manu's code is to be sought in the Arthasastra[13].

Mr. Kane has propounded another view. According to this learned scholar: "Long before the fourth century B.C. there was a work on dharmasastra composed by or attributed to Svayambhuva Manu. This work was most probably in verse. There was also another work on rajadharma attributed to Prachetasa Manu which was also prior to the fourth century B.C. It is not unlikely that instead of there being two works there was one comprehensive work embodying rules on dharma as well as politics. This work was the original kernel of the Manu smriti."[14]

The internal evidence afforded by the extant Manu smriti makes it clear that its author was not the first law-giver. For one thing it contains a number of references to the views of other law-givers. In discussing the degree of respect to be accorded to the father and the acharya respectively the existence of the two views is mentioned[15]. On the question of the forms of marriages permissible to the svetal

1. *See* Sloka cited in Nirukta, III, 4.
2. (1914) I.L.R. 42 Cal. 384 at 402 (P.C.).
3. History of Ancient Sanskrit Literature, pp. 134-135.
4. Sacred Books of the East Series, vol. 25, Int., pp. xix-xx.
5. *Ibid.*, p. xlvi.
6. *Ibid.*, p. xci.
7. *Ibid.*, p. cxvii.
8. Hindu Law and Custom, p. 2.
9. Manu and Yajnavalkya, T. L. L. pp. 25-26.
10. *Ibid.*, p. 44.
11. *Ibid.*, p. 13.
12. *Ibid.*, p. 17.
13. *Ibid.*, p. 46.
14. History of Dharmasastra, vol. I, pp. 155-156; *cf.*, Ibid., p. 97.
15. Manu, III, 145-146.

castes three views are alluded to, the siddhanta being indicated at the end[1]. Likewise with reference to the order of ceremonies at a sraddha and the disposal of the cakes two views are set out[2]. On the question whether in the case of a son procreated by niyoga the child belongs to the begetter or the husband of the woman, the Manu smriti refers at one place to "the discussion by the ancient sages"[3] and alludes at another place to the views on the matter held by "some sages"[4]. In regard to the effect of penance, the Manu smriti states that "some" declare that penance may be performed even where an offence had been committed intentionally.[5] Another feature that falls to be noted is that the present Manu smriti often refers to dharmasastras thereby recognising the existence of that class of literature prior to it. It defines 'smriti' as meaning dharmasastra (धर्मशास्त्रं)[6]. In dealing with the constitution of a parishad, it refers to the reciter of the dharmasastras (धर्मपाठक) [7]. Express reference to dharmasastras (धर्मशास्त्राणि) is made in the prescription relating to what the guests at a sacrifice in honour of the manes should hear[8]. It is also significant that the extant Manava dharmasastra refers to individual law-givers like Atri, Gautama, Saunaka and Bhrigu[9], to Vasishtha[10] and to Vikhanas[11] and cites opinions held by them. The allusions cannot obviously be to the existing versions of the works of these authors as they are either not to be found in such works or are found there only as quotations.

The opinion that the Manu smriti is a versified version of an ancient Manava dharmasutra rests on slender foundations. One argument is that the smriti is in continuous anushtub metre and should therefore be considered to be later than the sutras. Another consideration is the analogy afforded by certain metrical editions of dharmasutras affiliated to sutra charanas and the existence of certain passages in the works of Vasishtha in particular probabilising the existence of a Manava dharmasutra. It is pointed out that the rule of Panini—चरणेभ्यो धर्मवत्[12] suggests that the vedic charanas had their dharma books and that it is now proved that in addition to Apasthamba in the cases of Baudhayana and Hiranyakesin also the dharmasutras are found linked up with the Grihyasutras of particular charanas.[13] Though the theory is attractive it is to be noted such a connection has not been established in any other case. Nor, as Mr. Kane points out has any other charana of any of the Vedas other than Krishna Yajur Veda an extant dharmasutra ascribed to the founder of the sutra. Mr. Kane has cited Viswarupa[14] as stating that there was no Manava charana at all—"न च मानवादिचरणोपलब्धिरस्ति". It is true that there is a Grihyasutra of the Manavas. But the latter differs from the Manu smriti on a number of important points, such as, the age for the performance of samskaras like tonsure, upanayana, etc.,[15] the period of studentship[16], the rules to be observed by householders[17]. Mr. Kane points out further, that two things dealt with in the Grihyasutra, namely, the Vinayaka santi[18] and the tests prescribed for the selection of bride[19] have no corresponding references in the smriti[20]. Buhler has tried to explain the differences by suggesting that the author of the Manava dharmasutra might be different from the author of the Grihyasutra[21]. He has also suggested that the real connecting link is to be found in the Sraddha Kalpa of the Manava school. He relies on the fact that the first of the two verses in the second khanda describing the sraddha ceremony corresponds literally with what is found

1. Manu, III pp. 23-25.
2. *Ibid.*, III, 261.
3. *Ibid.*, IX, 31-35.
4. *Ibid.*, X, 70, 71.
5. *Ibid.*, XI, 45.
6. *Ibid.*, II, 10.
7. *Ibid.*, XII, 111.
8. *Ibid.*, III, 232.
9. *Ibid.*, III, 16.
10. *Ibid.*, III, 51.
11. *Ibid.*, VI, 21.
12. IV, 2, 46.
13. S.B.E., series, vol. 14, p. xxxi, vol. 2, p. xxiii, pp. xlv-xlviii, etc.
14. History of Dharmasastra, vol. I, p. 85.
15. Manu, II, 34-36; *Cf.*, G.S., I, 20, 1; I, 21, 1; I, 22, 1.
16. Manu, III, 1; *Cf.*, G.S., II, 12, 1-2.
17. Manu, III, 84-86.; *Cf.*, G.S. II, 12, 1-2.
18. G.S., II, 14.
19. *Ibid.*, I, 7-9.
20. History of Dharmasastra, vol. I, p. 80.
21. Sacred Books of the East series, vol. 25, p. xl.

in the smriti[1], and that the statement in the smriti—त्रयाणामुदकं कार्यं त्रिषु पिण्डः प्रवर्तते appears in the same terms in the Sraddha kalpa. Buhler has also claimed that a number of other verses in the kalpa are in agreement either partly or wholly with the smriti. It has, however, been pointed out that though there is parallelism between individual verses of the two works there is a considerable divergence between them in the treatment of important matters like funeral ceremonies, the differences more than counterbalancing whatever resemblances exist in regard to some points. It is also to be noted that according to Bhasa[2], the Sraddha kalpa is distinct from the smriti and is a work of Manu Prachetasa—"प्राचेतसं श्राद्धकल्पम्". Jayaswal invites attention to the fact that the adoption of the Sraddha kalpa by the Yajur Veda Manavas is not invariable[3]. The main basis of Buhler's theory as to the existence of a Manava Dharmasutra rests on the following verses in Vasishtha[4]. They are:

पितृदेवतातिथिपूजायामप्येव पशुं हिंस्यादिति मानवम् ।

"The Manava states: only when worshipping the manes and the gods or when honouring guests he may certainly do injury to animals." (IV, 5.)

मधुपर्के च यज्ञे च पितृदैवतकर्मणि ।
अत्रैव च पशुं हिंस्यान्नान्यथेत्यब्रवीन्मनुः ॥

"On offering the honey mixture (to a guest) at a sacrifice and at the rites in honour of the manes, but on these occasions only, may an animal be slain; that (rule) Manu proclaimed" (IV, 6).

नाकृत्वा प्राणिनां हिंसां मांसमुत्पद्यते क्वचित् ।
न च प्राणिवधः स्वर्ग्यस्तस्माद्यागे वधोऽवधः ॥

"Meat can never be obtained without injury to living beings and injury to living beings does not procure heavenly bliss: hence (the sages declare) the slaughter (of beasts) at a sacrifice not (to be) slaughter in the ordinary sense of the word." (IV, 7).

अथापि ब्राह्मणाय वा राजन्याय वाभ्यागताय महोक्षं वा महाजं वा पचेदेवमस्मा आतिथ्यं कुर्वन्तीति ॥

"Now he may also cook a full grown ox or a full grown he-goat for a Brahmana or Kshatriya guest; in this manner they offer hospitality to such a man" (IV, 8).

Buhler remarks that the occurrence of the particle इति at the end of sutra 8, and the identity of verse 6 with what is found in the Manu smriti[5] and the close resemblance of verse 7 with the verse corresponding to it in the smriti[6] make it clear that the quotation is not over with sutra 5, and that such inference is in consonance with the usual sutra arrangement, namely, first to state the prose rule, thereafter the verses in confirmation and finally the vedic authority on which both the rule and the verses depend. Buhler proceeds to argue that the allusion here cannot be to the Manu smriti inasmuch as the latter frequently refers to Vasishtha and also because there are other quotations in Vasishtha which either do not occur in the smriti or stand contradicted. He therefore concludes that the passage under discussion could have been taken only from an older Manava dharmasutra. A number of considerations exist which show that the inference drawn is of a debatable character. Jayaswal points out that if the words "इति मानवम्" in sutra 5 are intended to

1. Manu, III, 274.
2. Pratima, p. 179, Trivandrum edn.
3. Manu and Yajnavalkya, T. L. L. p. 24.
4. IV, 5-8.
5. Manu, V, 41.
6. Ibid., V, 48.

indicate the opinion of Manu it would mean that the opinion of Vasishtha is nowhere expressed. And Buhler's argument founded on the hypothesis that the sutrakara invariably mentions his opinion at the beginning would then fail[1]. Jayaswal also mentions that the text of the 5th sutra is given differently in the Anandasrama edition[2]. According to the Smriti-samuchaya the version is पितृदेवतातिथिपूजायां पशुं हिंस्यात, where the particle इति is not found at the end at all. It is further stated by Jayaswal that it is significant that if there was in fact a Manava dharmasutra it has not been cited by either Apastamba or Baudhayana. The latter has enumerated all the dharmasutras of his veda[3], but there is no mention of any sutra by Manu. Again the word इति is found both in sutra 5 as well as in sutra 8 which would indicate a quotation within a quotation, which in the context will not fit, inasmuch as the last portion seems to have been taken from vedic literature. Mr. Kane has suggested[4] that probably the true explanation is that sutra 5 is only a summary of Manu's view as can be gathered from the verses in the smriti V. 41, and V. 48. Buhler's contention that the non-existence or contradictions in the smriti of the views in Vasishtha attributed to Manu would negative any theory of the references being to the the smriti would not, however amount to proof of the existence of the Manava dharmasutra. It is quite possible that an earlier version of the smriti contained such views.

Buhler has also referred to the fact that Kamandaka cites certain opinions of Manu which are not borne out by what is found in the present Manu smriti and which therefore may be attributed to the Manava dharmasutra. In regard to the sciences which a king must learn, Kamandaka mentions that according to the Manavas, they are three —the vedas, the theory of professions and trades and dandaniti[5]. The Manusmriti states :

त्रैविद्येभ्यस्त्रयीं विद्यां दण्डनीतिं च शाश्वतीम् ।
आन्वीक्षिकीं चात्मविद्यां वार्तारम्भांश्च लोकतः ॥

" From those versed in the three vedas, let him learn the threefold (sacred sciences), the primeval science of government, the science of dialectics, and the knowledge of the (supreme) soul ; from the people, (the theory of) the trades and professions"[6]. The suggestion is that the Manu smriti treats the number of sciences to be learnt as four. In regard to the number of ministers a king should have, the Nitisara states[7] that Manu had fixed the number at twelve. The Manu smriti has laid down at one place[8] that it is to be no more than seven or eight. According to Jayaswal, the references in the Nitisara are really not to the Manava dharmasastra but to the Manava rajasatra, an altogether separate work[9]. Mr. Kane points out that in both the cases referred to, the Nitisara is only " paraphrasing " statements made by Kautilya[10]. He also points out that while the first reference[11] is to *manavah* (मानवाः) the second[12] is to Manu and it is thereby clear that what is referred to is a work. He further points out that in the first case there is no conflict between the view attributed to the manavas and the statement in the smriti, inasmuch as the smriti does not say that the vidyas are four but merely states from whom they can be learnt. As to the contradiction in regard to the number of ministerships, Mr. Kane points out that the verse in the smriti should be taken along with another verse[13] therein which provides for the appointment of a larger number, if needed. There is thus very little support available for Buhler's theory of the Manu smriti being founded upon a prior dharmasutra of Manu.

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1. Manu and Yajnavalkya, T. L. L. pp. 47-48.
2. P. 194.
3. Baudhayana, V, 9, 14.
4. History of Dharmasastra, vol I, p. 83.
5. Nitisara, II, 3.
6. Manu, VII, 43.
7. Nitisara, XI, 67.
8. Manu, VII, 54.
9. Manu and Yajnavalkya, T. L. L. pp. 21-22.
10. Arthasastra, I, 2, and I, 15.
11. Nitisara, II, 3.
12. Ibid., XI, 57.
13. Manu, VII, 60.

Jayaswal's views that the Manu smriti was the first to invade the field of secular law, that the object of such invasion was to refashion the secular laws of the arthasastras which were till then being administered on lines acceptable to Brahminism and that such recasting was done during the Sunga period are also not free from criticism. Two remarks fall to be made. It is indisputable that some secular matters had in fact been dealt with in the dharmasutras which are considered to belong to a period earlier than that of the extant Manu smriti. It is equally indisputable that a Manu and his work have been referred to in the dharmasutras. Any argument built upon the scantiness of the secular law to be found in the dharmasutras may be explained by the fact that at the time when the latter were composed, secular law cannot have been as fully developed as in later times. Further the assumption that the extant Manu smriti took root in the arthasastra cannot explain the fact that the references in the sutras are to a dharmasastra of Manu. Nor is there anything to show that it was the law of the arthasastra that was being actually administered. Again, even if the Manu smriti was composed for the purpose of recasting the laws in a manner that would favour the Brahmins, it may well be that such recasting had been done on some earlier occasion when the influence of Brahmins had been in the ascendant as for instance when Parasurama was reputed to have annihilated the Kshatriyas or at the time when Vasishtha's influence had prevailed over that of Viswamitra. It may also be noted that Brahminism did not acquire power just at the time of the Sungas. It was a vigorous force even before the advent of Buddhism. The reference to "senapatya" (सेनापत्य) in the Manu smriti[1] need not lead to Pushyamitra. It may be mentioned that a Brahmin taking to arms or leading an army in field as the commander-in-chief had not been unfamiliar in early Aryan society. Parasurama and Drona afford such instances. The rule enunciated in Apastamba[2]—

परीक्षार्थोऽपि ब्राह्मणः आयुधं नाददीत ।

should therefore be understood as presenting an ideal rather than a prohibition. Jayaswal also mentions that the Mahabashya makes no reference to the Manu smriti. The Mahabashya was written sometime about 188 B.C. and it would therefore look as if the smriti was composed subsequently, lending support to the view that it was a work of the Sunga period. The Mahabashya has specifically referred to dharmasastra—धर्मशास्त्रं च तथा—and contains also a verse found in the Manu smriti[3].
The verse is

ऊर्ध्वं प्राणा ह्युत्क्रामन्ति यूनः स्थविर आयति ।
प्रत्युत्थानाभिवादाभ्यां पुनस्तान् प्रतिपद्यते ॥

It is now generally accepted that the dharmasutras may be assigned to a period ranging between 600 B.C. to 300 B.C. whatever differences there may exist in regard to the place therein of individual sutra writers. Purely legal questions, such as, whether the daughter would be excluded by a son, what rights the appointed daughter's son would have, etc., seem to have been matters of controversy even before 600 B.C. The discussion in the Nirukta[4] indicates this. It also suggests that such controversies had found mention in "formal works" as Mr. Kane calls them. It also affords evidence that Manu had long before then been regarded as a law-giver. In adverting to the view held by some that sons and daughters should share equally, Yaska gives a reference which is remarkable. He quotes a sloka and distinguishes it from a rik. He says :

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1. Manu, XII, 100.
2. I, 10, 29. 6.
3. Manu, II, 120.
4. Nirukta, III, 4, 5.

अविशेषेण मिथुनाः पुत्रा दायादा इति । तदेतदृक् श्लोकाभ्यामुक्तम् ।
अङ्गादङ्गात् संभवसि हृदयादधिजायसे ।
आत्मा वै पुत्रनामासि स जीव शरदः शतम् ॥ इति ।
अविशेषेण पुत्राणां दायो भवति धर्मतः ।
मिथुनानां विसर्गादौ मनुः स्वायंभुवोऽब्रवीत् ॥

According to Mr. Kane the juxtaposition of the sloka to the rik shows that the former is smriti and not sruti. This feature renders it likely as pointed out by him that works on dharma in continuing slokas or in the sloka metre existed before the time of Yaska thereby showing the high antiquity of the dharmasastras. This inference is borne out by the references contained in dharmasutra works to dharmasastras. Gautama refers to dharmasastras

तस्य च व्यवहारो वेदो धर्मशास्त्राण्यङ्गानि उपवेदाः पुराणम्[1] ।,

and mentions Manu by name : त्रीणि प्रथमान्यनिर्देश्यानि मनुः[2].

In Baudhayana there is a reference to dharmapathaka at one place[3] and in the fourth prasna Manu's name occurs twice[4] but in view of the fact that the fourth prasna is suspected of being an interpolation the references therein may not be helpful. Apasthamba alludes to Manu as the founder of the institution of sraddhas.[5] The Purva Mimamsa also refers to dharmasastras, as for instance, in the statement :[6]

शूद्रश्च धर्मशास्त्रत्वात् ।

In passing it may be mentioned that Max Muller's view that works in continuous anushtub have always followed the sutras[7] does not seem to be correct inasmuch as the sutras of Apastamba and Baudhayana even in their earlier versions contain plenty of quotations in sloka metre.

Valuable support regarding the existence of a Manava dharmasastra from very early times is afforded by the references in the Mahabharata to Manu. There is no doubt difference of opinion on the question as to which of the two is earlier in point of time. The considerations set out by Mr. Kane coupled with certain materials afforded by recent archaeological research would seem to prove definitely that the smriti was the earlier production. It is significant that while the Mahabharata contains many references to Manu or to his work there is nowhere in the Manu smriti any reference to the Mahabharata. This feature is consistent with the Mahabharata being a later work. The dharmasastra of Manu contains references to various personages who figure in sacred literature. In stating that it is knowledge that makes one great, Manu gives the example of the son of Angiras[8]. The story occurs in vedic literature also[9]. Reference is made in the dharmasastra to what Agastya did, in support of the rule that a Brahmin can slay for sacrifices, birds and beasts recommended for consumption[10]. As instances where want of humility resulted in destruction, allusion is made to Vena, Nahusha, Sudas and Nemi[11]. In the next sloka the names of Prithu, Kubera and Gadhi are cited as instances of persons who were elevated through humility. In laying down the rule that oaths are permissible to prove matters in doubt, the Manu smriti refers to the oath taken by Vasishtha before King Sudas[12]. This story is mentioned in vedic literature also[13]. In support of his statement that on marriage the wife would take on the qualities of the husband, the instances of Akshamala who married

1. Gautama, IV, 21.
2. *Ibid.*, XXI, 7.
3. Baudayana, I, 1, 9.
4. *Ibid.*, IV, 1, 14 and IV, 2, 16.
5. Apastamba, II, 7, 16, 1.
6. Purva Mimamsa, VI, 7, 6.
7. History of Ancient Sanskrit Literature, p. 68.
8. Manu, II, 151-152.
9. Tand. Brah., XIII, 3, 24.
10. Manu, V, 22.
11. Manu, VII, 41.
12. Manu, VIII, 110.
13. Rig. Veda, VIII, 104, 15.

Vaishtha and Sarangi who married Nandapala are cited[1]. In the discussion relating to appointed daughters, the name of Daksha is mentioned[2]. Allusions are made in other contexts, to Ajigarta[3], a personage mentioned in the Aitareya Brahmana[4], to Vasudeva[5], to Bharadwaja[6], and to Viswamitra[7]. Most of these names occur in the Mahabharata also but there is no indication in the Manu smriti of any borrowing in the matter from the Mahabharata. This no doubt would be of negative value only but would not militate against the opinion that the Mahabharata is a later work. Likewise stands another fact. The Manu smriti enjoins that gambling is an evil[8] and states how in a former kalpa it had led to great enmities. The words पुराकल्पे in the context mean according to the commentator, Narayana, "in the ancient stories." It is likely that such stories as those relating to Nala and other personages who suffered through gambling are impliedly alluded to. The Mahabharata also refers to the evils of gambling but in view of the fact that the evil effects of gambling are mentioned in the Rig veda itself[9] it would be a mistake as Mr. Kane points out to treat the rule in Manu as having any connection with what is stated in the Mahabharata.

Turning to the Mahabharata, it may be stated at once that the references therein to Manu and his views are not always borne out by what is found in the dharmasastra of Manu. Only some quotations are found either in identical terms or in substantially similar terms. Another point that may be noted is that some references are simply to Manu[10], some to Manu Svayambhuva[11] and some to Manu Prachetasa[12]. The Anusasanaparva speaks in terms of the Manu dharmasastra : मनुनाभिहितं शास्त्रं यच्चापि कुरुनन्दन । [13]. The rajadharmas of Manu are referred to in the Vanaparva[14] : अश्रौषीस्त्वं राजधर्मान्यथा वै मनुरब्रवीत् । The Dronaparva mentions Manu's name with reference to arthavidya[15] : वेदं षडङ्गं वेदाङ्गमर्थविद्यां च मानवीम् । From the copiousness of the references to Manu in some form or other—according to Buhler there are about 260 verses in the Santiparva, Anusasanaparva and Vanaparva alone which could be identified with slokas in the Manu smriti—from their occurrence not in any one part of the Mahabharata but all over it, from the fact that the references are never to a dharmasutra of Manu but always either to the dharmasastra or rajadharmas, it would not be unfair to infer that a Manu smriti was in existence even before the composition of the Mahabharata started. It is also quite likely as Mr. Kane has pointed out that at that time the dharmasastra had come to be associated with Manu Svayambhuva and the rajadharmas with Manu Prachetasa. That they might have formed a single work at an earlier period is suggested by certain features in the Manu smriti and the recorded traditions. Mr. Kane points out that a saying attributed to Manu Prachetasa in the Mahabharata is more or less identical with a sloka found in the Manu smriti[16].

The statement in the Mahabharata is :—

प्राचेतसस्य वचनं कीर्तयन्ति पुराविदः ।
यस्याः किंचिन्नाददते ज्ञातयो न स विक्रयः ।
अर्हणं तत्कुमारीणामानृशंस्यतमं हि तत् ॥

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1. Manu, IX, 23.
2. *Ibid.*, IX, 128.
3. *Ibid.*, X, 105.
4. Ait. Brah., VII, 13-16.
5. Manu, X, 106.
6. *Ibid.*, 107.
7. *Ibid.*, 108.
8. *Ibid.*, IX, 227.
9. Rig. Veda, X, 34.
10. Santiparva, 78, 31 ; 88, 14-16 : 121, 10-12 ; 152, 14 ; 152, 30: AnusasanVanaparva, 44, 18 ; 65, 1 ; 67, 19 ; 68, 31 ; 88, 4 : parva, parva, 32. 39 : Udyogaparva, 40, 9-10.
11. Santiparva, 21, 12 : Anusasanaparva, 37, 1-6 : Adiparva, 73, 9.
12. Santiparva 57, 43-45 ; 58, 2.
13. 47-35.
14. 35, 21.
15. 7,1.
16. Manu, III, 54.

The extant Manu smriti states that the laws were originally taught to Manu by the Creator, that he in his turn taught them to Marichi and others and that the present version was given by Bhrigu[1]. The tradition has never varied that in the beginning the laws were revealed to or composed by Manu though there are discrepancies as to their later development and transmission to succeeding generations. In the Mahabharata it is stated[2] that the Supreme Being (पुरुषोत्तमः) originally composed a hundred thousand slokas on dharma, that Manu Svyambhuva proclaimed them to the world and that Usanas and Brihaspati based their works on Manu. A different account is however given at another place in the same parva[3], namely that Brahma composed a work in one hundred thousand chapters dealing with Dharma, Artha and Kama and that these were successively abridged by Visalaksha, Indra, Bahudantaka, Brihaspati and Usanas. Manu's name is not mentioned but in view of his being generally identified with or treated as sprung from the creator the discrepancy is to some extent rendered innocuous. The Kamasutra of Vatsyayana mentions[4] that a work in one hundred thousand chapters on the three divisions of life, dharma, artha and kama was composed by Prajapati and the first two of these were next taken up by Manu and Brihaspati respectively :

तस्यैकदेशं स्वायंभुवो मनुः धर्माधिकारिकं पृथक् चकार । बृहस्पतिरर्थाधिकारिकम् ।

The Kamasutra, bears out, at any rate, the tradition that Manu was the first law-giver on dharma and that all departments of life were originally covered by a single work.

The prose introduction to the Narada smriti also accepts Manu as the first law-giver. There are however two versions of the statement. As cited by Medhatithi, it reads :

नारदश्च स्मरति । शतसाहस्रो ग्रन्थः प्रजापतिना कृतः स मन्वादिभिः क्रमेण संक्षिप्त इति ॥

In the other version it is said that Manu composed a dharmasastra in one hundred thousand verses arranged in 1080 chapters which was successively reduced by Narada to 12,000, by Markandeya to 8000, by Bhrigu's son Sumati to 4000 verses. The claim that Narada was the first to abridge Manu's composition might well have been made with a view to ensure higher antiquity for his work. Be that as it may, the Puranas support the view that Manu was the first law-giver and Bhrigu's recension was the first. The Bhavishya Purana as quoted by Hemadri states :

भार्गवी नारदीया च बार्हस्पत्याङ्गिरस्यपि ।

स्वायंभुवस्य शास्त्रस्य चतस्रः संहिता मताः ॥

The Skanda Purana also contains the same account. It also states :

भार्गवी नारदीया च बार्हस्पत्याङ्गिरस्यपि ।

स्वायंभुवस्य शास्त्रस्य चतस्रः संहिता मताः ॥

Thus according to the accepted traditions, Bhrigu's version is the earliest rendering of the Manava dharmasastra. Such is the evidence afforded by the classical and puranic works.

The excavations at Tello in lower Babylonia carried on from 1877 to 1900 have brought to light a big city of about 3100 B.C., of the earliest civilised non-semitic people of Mesopotamia, known as the Sumerians. The discoveries made there and at Susa have shown that the laws of the Sumerians formed the basis of Hammurabi's code. The excavations at Harappa and at Mohenjo Daro have

1. Manu, I, 58-59.
2. Santiparva, 336, 38-46.
3. *Ibid.*, 59, 80-85.
4. I, 6-8.

produced evidence suggesting a close resemblance between the objects found in the Indus valley and the antiquities of Mesopotamia. A seal identical with that found at Harappa and Mohenjo Daro has been discovered beneath a temple of Hammurabi's time,—about 2,100 B.C.—at Kish in Mesopotamia. Dr. Waddell, an enthusiastic Assyriologist has identified a number of seals found in the Indus valley as inscribed in the Sumerian language and as pertaining to vedic and epic rulers and rishis such as Divodasa, Sushena, Parasurama, Galava and others. That the original abode of the Aryans was in Central Asia probably near the rivers Jaxertes (Yakshavarta) and Oxus (Uksha) and that in course of time due to increasing population and religious and social quarrels they spread themselves out and one section came to India are generally accepted. There would be therefore nothing surprising in the existence of resemblances between the features noticed in the Indus valley discoveries and those in Babylonia and Mesopotamia. The Rig Veda mentions for instance fortified towns and fortifications with iron materials[1]. The excavated Babylonian city has exhibited a similar feature[2]. Parallelism has been established also in regard to implements, jewels, etc. It is remarked by Dr. Waddell, apropos of the Indus valley discoveries: "About the many vedic priests and kings whose historic personalities and in part bodily relics, seals and jewellery are thus recovered and identified, are 'Ausija' (Kakshivan), Kanwa, possibly Goutama Rishi himself, and certainly the slave girl 'Usij', the reputed concert of the latter in the epic romance. Among the kings whose historic identities, dates and monuments are now recovered are—Haryaswa with his father and grandfather and his descendants of the Panchala or Phoenician dynasty, including specially Mudgala with his Indus valley seal and famous stone maces, Bhadhryswa and Divo Daso, the Emperor Sakuni or Sagara, the priest kings Gadhi, Jamadhagni, Sushena and the truculent Parasurama . . . . . And with these are recovered for the first time the actual dates and reigns in which they lived four to five thousand years ago. We also recover through their identifications the authentic portraits of many of them from their contemporary seals and monuments portraying their features and dress. All educated Hindus will be glad to know the first hand scientific proofs for the veracity of their vedas and ancient epics and to learn that their ancestral vedic kings and sages were famous historical emperors, kings and priest-kings in Mesopotomia with multitudinous monuments, still existing there to the present day. It must also be gratifying to the modern Hindus to find that the vedic and epic traditions which their ancestors preserved and handed down through the centuries and in which they have steadfastly believed, are now proved substantially true and have become a chief means of identifying as Aryans, the Sumerians, the Phoenicians and the Britons."[3] The excavations at Susa have disclosed a monolithic slab in three pieces on which is found inscribed in cuneiform characters, the code of King of Hammurabi, whose ascent to the throne is fixed at 2123 B.C. by Kugler. An examination of the contents of the code show many features which are presented by the dharmasastra of Manu. Thus the code claims to be revealed . It discloses that Babylonian society stood divided more or less on the same lines as in Manu on a functional and occupational basis. There were three classes, the *amelu*, the *mushkenu* and the *wardu*, the first being a combination of the attributes of a Brahmin and a Kshatriya. A second point of resemblance is the grading of punishment according to the social position of the offender. Another noteworthy similarity is the principle that punishment should be appropriate to the nature of the offence, such as an organ for an organ, loss for loss and so on. The topics of secular law dealt with in the code of Hammurabi also display a great similarity to those found in Manu. An analysis of the 282 sections of Hammurabi's code—of which however 35 are found erased—shows that the code deals with the following subjects: witchcraft (ss. 1-2), witnesses and judges (ss. 3-5), theft (ss. 6-8), receipt of stolen property

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1. Rig. Veda, I, 58, 8; II, 20, 8; IV, 27, 1; VII, 3, 7.
2. Baikie, *Life of the Ancient East*, p. 234.
3. L. A. Waddell, Indo-Sumerian Seals Deciphered, preface, pp. 12-14.

(ss. 9-13), kidnapping (s. 14), fugitive slaves (ss. 15-20), burglary (ss. 21-25), duties of gangers, etc., (ss. 26-41), landlaws, boundary marks and cultivation laws (ss. 42-56), responsibility of herdsmen (ss. 57-58), gardeners (ss. 59-65), merchants and agents (ss. 100-107), wine merchants and price of wines (ss. 108-111), debt and deposit (ss. 112-126), slander (s. 128), adultery and sexual offences (ss. 129-132), separation of spouses (ss. 133-143), taking a second wife or concubine (ss. 144-148), women's property (ss. 150-152), unchastity (ss. 153-158), bride-price and dowry (ss. 159-164), inheritance (ss. 165-184), adoption (ss. 185-194), responsibility for death, assault etc., (ss. 194-214), honorarium to doctors, etc., (ss. 215-225), branding of slaves (ss. 226-227), responsibilities of builders (ss. 228-233), and of boatmen (ss. 234-240), oxen, their care, hire, wages of labourers, artisans, etc. (ss. 241-274), prices and hiring of boats (ss. 275-277), buying of slaves, etc. (ss. 278-282)[1]. Of these heads, those not found in Manu are witchcraft, doctors, gangers, gardeners, builders, wine merchants and slaves. The attention paid to these topics in Hammurabi's code may be due to local circumstances and causes. There is however one feature present in Manu which is conspicuous by its absence in the code of Hammurabi, namely, religious influence. This may be due to the fact that though the origin of the codes was Sumerian, Manu's dharmasastra was compiled earlier at a time when the religious influence was more active. This is rendered likely by the fact that the Assyrian code which is also of the Sumerian stock but is older than the code of Hammurabi has given prominence to the religious element. The penalties prescribed therein point to a time when the sanction of law was derived from religious beliefs and faith. It would be rather curious if the code of Hammurabi could be fixed to about 2100 B.C. and the Assyrian code to an even earlier date, but the dharmasastra of Manu which has features in common with them should be attributed to a far later date. The deciphering of the Indo-Sumerian Seals shows that Manu's work also is more or less of the same period. The seals deciphered by Dr. Waddell show according to him that in or about the time of Hammurabi, there were two Bhrigus. He identifies seal No. V as that of King Sushena and seal No. XI as that of Ghalava Rishi, both being described by him as Bhrigus. According to Dr. Waddell, King Gadhi identified by him as King Gudea of Lagash (about 2450 B.C.)—had two children Viswamitra and Satyavati. The latter married a priest king Richika and he was succeeded by Jamadhagni Bhrigu, Bhrigu being an appellation borne by priests and priest-kings. Jamadhagni had four sons of whom Sushena was the eldest and Parasurama the youngest. Sushena who became king is according to Dr. Waddell, Prince Sussain, and Parasurama Prince Bura Sin of the Ur dynasty of Lagash, who then ruled over the Sumerian colony in the Indus valley. At that time certain Brahmins formed themselves into a group with Vasishtha as leader. A contest ensued between him and Viswamitra in which the latter was discomfited. Bitterness thereafter existed between the Brahmins and the Kshatriyas and when Viswamitra forcibly carried away King Jamadhagni's cow, open hostility broke out between the two classes and eventually Parasurama practically extirpated the Kshatriyas. This story is borne out by the account in the Mahabharata of Parasurama's exploits and of how the Kshatriya women perpetuated the class by having children through Brahmins and of how in that way the caste system was re-established. Society being so re-organised, a new set of laws had to be provided and it may well be that Parasurama promulgated a code. The Mahabharata refers to Parasurama in the Santiparva as a son of Bhrigu and the promulgation of the code as Manu's code is also intelligible as the name of Parasurama had created considerable bitterness. It was in this wise that the code came to be represented as Bhrigu's version of the laws of Manu. If the reading of the Indus valley seals is correct, then it is not merely the mystery regarding the authorship of the Manava dharmasastra but also the approximate time when it was composed that dispapear. It would mean that the real author was Parasurama and the dharmasastra was composed before 2000 B.C.

"A. MANAVA."

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1. The Laws of Moses and Hammurabi's Code, by S. A. Cook. pp. 8-10.